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FINANCING OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN CITIZENS RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS COMMITTED IN THE TERRITORY OF NEIGHBOURING STATES BETWEEN 1 JANUARY AND 31 DECEMBER 1994

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (A/C.5/50/54). During its consideration of the report, the Committee met with the Prosecutor and the Registrar of the International Tribunal for Rwanda and with representatives of the Secretary-General.

2. The General Assembly, by its resolution 50/213 of 23 December 1995, decided to appropriate to the Special Account for the International Tribunal for Rwanda an amount of $7,609,900 ($7,090,600 net) for the period from 1 January to 31 March 1996, "without prejudice to the comments and recommendations the Advisory Committee on Administrative and Budgetary Questions may make following its review of the full budget for 1996".

3. The Secretary-General estimates the amount of $38,770,900 net for the operation of the International Tribunal for Rwanda in 1996. The Committee notes in table 1 of the annex to the report of the Secretary-General that, of $12,914,900 appropriated in 1995, only $1,645,000 was utilized. Therefore, of

the $38,770,900 being requested for 1996, the amount of $11,269,900 is available from the previous period.

4. The Advisory Committee noted a number of differences between the presentation of the budgets of the International Tribunal for Rwanda and the International Tribunal for the former Yugoslavia. In this connection, the Committee emphasizes the need for uniformity and comparability between the presentation of the two budgets.

5. With regard to staffing issues, the Secretary-General proposes 404 posts, reflecting an increase of 241 posts over the authorized level for 1995. Upon inquiry, the Advisory Committee was informed that these posts were costed at a 50 per cent occupancy for 1996. The Committee was also informed that for the period from 1 January to 31 March 1996, the vacancy rate was 49.1 per cent for Professional staff and 55.3 per cent for those of the General Service and other category.

6. In connection with the recruitment of staff, the Advisory Committee was informed that the International Tribunal for Rwanda had full authority to appoint and promote local staff. However, while the International Tribunal for the former Yugoslavia was delegated authority to appoint staff in the name of the Secretary-General, up to the D-1 level, no specific delegation of authority has been given to the International Tribunal for Rwanda to appoint international staff. In this case, the role of the International Tribunal for Rwanda consists of preparing job descriptions for reviewing and classifying by the Office of Human Resources Management (OHRM) and evaluating candidates and making recommendations to OHRM to make the recruitment. In this connection, the Committee was informed that the incumbents of two General Service posts based in New York deal with personnel matters (A/C.5/50/54, annex, table 3).

7. The Advisory Committee was informed that lack of delegated authority to appoint international staff by the International Tribunal for Rwanda has contributed to a delay in the recruitment of appropriate staff. In this connection, the Committee was informed by the Prosecutor that if staff resources were made available, the investigation function could be completed within 18 months and the office at Kigali could be closed soon thereafter. To ensure that staff come on board as soon as possible, the Committee reiterates its earlier recommendation that consideration should be given to granting the International Tribunal for Rwanda delegation of authority in personnel matters.

8. The Advisory Committee notes from paragraphs 7 and 9 of the Secretary-General's report that the International Tribunal for Rwanda held its inaugural session on 30 June 1995 and its second session in Arusha from 8 to 12 January 1996. The Secretary-General indicates in paragraph 20 that "it is anticipated that the Tribunal will hold 12 trials in 1996".

9. In paragraph 22 of the Secretary-General's report, the amount of $797,300 is requested for salaries and allowances of judges. The Committee notes that this estimate is based on the proposals outlined in the note by the Secretary-General on conditions of service and allowances of the members of the International Tribunal for the former Yugoslavia (A/C.5/49/11) and takes into

(A/49/7/Add.12). The General Assembly has yet to take a decision on these reports with respect to the Rwanda Tribunal. In this connection, the Committee recommends that the conditions of service and allowances which would be approved for the judges of the International Tribunal for the former Yugoslavia be extended to the judges of the International Tribunal for Rwanda.

10. As indicated in paragraph 23 of the Secretary-General's report, it had been anticipated that all the six judges would take up residence in Arusha in early 1996. However, upon inquiry, the Committee was informed that it is now anticipated that the judges will take up residence on 1 June 1996. The Committee was further informed that since no trials have started, the judges were paid a prorated salary "on an as when actually employed basis". Accordingly, the Committee was also informed that the estimate for salaries and allowances of judges for 1996 can be reduced from $797,300 to $539,100.

11. Provision of $282,200 is made in paragraph 24 of the report for six new posts at the P-2 level for legal assistants and six General Service posts. The Committee notes that while in the case of the International Tribunal for the former Yugoslavia legal assistants are part of the extrabudgetary personnel assigned to the Tribunal, under the Tribunal for Rwanda, they are budgeted as established posts.

12. In paragraph 27 of the report, the amount of $30,000 is estimated for consultants and experts for the judges' chambers. As in the case of the International Tribunal for the former Yugoslavia, the Committee was not satisfied with the explanation given for the need for such expertise by the chamber and recommends that the amount of $30,000 not be approved.

13. Requirements for the Office of the Prosecutor are explained in paragraphs 29 to 50 of the report. The Committee notes that this estimate is affected by the fact that the Prosecutor for the International Tribunal for the former Yugoslavia will also act as the Prosecutor for the International Tribunal for Rwanda in accordance with article 15 of the Statute of the International Tribunal for Rwanda, as established by the Security Council in resolution 955 (1994) of 8 November 1994.

14. As indicated in paragraph 29 of the report, the structure of the Office of Prosecutor for the International Tribunal for Rwanda mirrors the Office of Prosecutor for the International Tribunal for the former Yugoslavia. It consists of five sections: Immediate Office of the Prosecutor, Investigations, Prosecution, Legal Services, and Information and Records Management. However, unlike in the case of the Tribunal for the former Yugoslavia, where all activities are carried on in The Hague, in the case of the International Tribunal for Rwanda, the activities of the Prosecutor's Office are conducted at The Hague, Kigali and Arusha. It is the view of the Committee that the fact that there is one Prosecutor for both Tribunals should not lead to the establishment of a separate unit at The Hague to service the International Tribunal for Rwanda and vice versa since the Committee believes that the Prosecutor should receive service wherever he is, as the case may be.

15. With regard to the Information Management and Records Section under the Prosecutor's Office, the Committee was informed that 21 posts at The Hague

(1 P-4, 1 P-3, 9 P-2 and 10 General Service) would not be required (A/C.5/50/54, para. 44). The documents processing centre which was to be moved from Washington D.C. to The Hague on a temporary basis is being transferred to Arusha directly (see also para. 26 below).

16. The Advisory Committee notes from paragraph 62 of the Secretary-General's report that the post of Chief of Administration would be at the D-1 level. Upon inquiry, the Committee was informed that after review of this post and the equivalent post at the International Tribunal for the former Yugoslavia, and based on its initial evaluation of the duties and responsibilities as shown in the job descriptions, both posts have been classified at the D-1 level.

17. With regard to the Security and Safety Service, the Committee recalls paragraph 8 of Security Council resolution 1050 (1996) of 8 March 1996 in which the Council requested the Secretary-General to report to the Council by 5 April 1996 on what arrangements have been agreed with the Government of Rwanda for the protection of the personnel and premises of the International Tribunal for Rwanda after the withdrawal of the United Nations Assistance Mission for Rwanda (UNAMIR). The Committee was informed that the request for resources for security in paragraph 57 of the Secretary-General's report was based on the fact that UNAMIR would no longer be available to provide security to the Tribunal. The Committee was also informed that the proposal that security at those premises would be provided by a locally contracted guard company is no longer applicable. In this regard, the Committee was further informed that ongoing negotiations between the United Nations and the Governments of the United Republic of Tanzania and Rwanda should lead to an arrangement under which the United Nations would pay for the guards provided by those Governments.

18. On the rationale for establishing the post of Chief of Procurement at the P-4 level, the Committee was informed that this was necessitated by the fact that a delegation of authority has been granted to a local Contracts Committee to make procurement of up to $70,000 per contract (A/C.5/50/54, para. 65).

19. In paragraph 72 of the Secretary-General's report, a P-2 post is proposed for a Conference and Public Relations Officer. In view of the fact that in paragraph 56 of the document, there is provision for three posts for a Press and Information Unit (1 P-4, 1 P-2 and 1 clerk at the local level), the Committee questioned the need for a separate post of Public Relations Officer. The Committee believes that the functions of a Public Relations Officer should be assigned to the Press and Information Unit, which should be able to carry out those responsibilities.

20. The Committee notes from paragraph 73 of the report that the six interpreters for court sessions and the plenary meetings in 1996 would be provided on a temporary basis by Conference Services, Geneva ($352,000). Upon inquiry, the Committee was informed that when permanent capacity in Geneva is available the International Tribunal for Rwanda would reimburse the cost of air travel (Geneva/Arusha/Geneva), daily subsistence allowance and terminal expenses of the interpreters involved. However, when the permanent capacity in Geneva is being fully utilized, either short-term interpreters may be recruited directly for service at the International Tribunal for Rwanda or permanent interpreters at Geneva would service the meetings of the International Tribunal for Rwanda

and short-term interpreters would be recruited to replace the permanent interpreters at Geneva. The Advisory Committee notes that resources for interpretation in the local language are provided as described in paragraph 41 of the report.

21. An amount of $3 million is requested in paragraph 76 of the report to provide for counsel to any accused unable to provide their own representation. The Advisory Committee notes that this amount is comparable to the amount of $2,802,500 requested for the provision of counsel to suspects and the accused in the case of the International Tribunal for the former Yugoslavia (A/C.5/50/41, para. 97). However, the Committee also notes a number of differences between the two International Tribunals on this subject. First, the Committee was informed that while in the case of the International Tribunal for the former Yugoslavia the estimate for the defence counsel is based on $110 per hour per attorney, in the case of the Tribunal for Rwanda it is $95. Secondly, the Committee was also informed that in the case for the International Tribunal for Rwanda provision is based on an attorney, an investigator, a clerk and a secretary, while in the case of the International Tribunal for the former Yugoslavia provision is based on an attorney without separate provision for support services. Thirdly, the Committee notes that while in the case of the International Tribunal for the former Yugoslavia there is provision for co-counsel (ibid.) there is no such provision for the International Tribunal for Rwanda.

22. With regard to the need to provide for counsel, the Advisory Committee recommends that procedures should be established to identify bona fide indigents. The Committee also recommends that procedures should be established for recovery of resources from accused persons who have been provided with defence counsels and are found not to qualify for such support.

23. In connection with the selection of defence counsel, the Committee recommends that vigorous efforts be made by the Registrar to ensure that the defence counsel list includes lawyers of various systems of jurisprudence.

24. The Advisory Committee notes from paragraph 83 of the Secretary-General's report that the amount of $800,000 is requested for detention facilities in Arusha. In this connection, as it has done in its report on the financing of the International Tribunal for the former Yugoslavia (A/50/925, para. 32), the Advisory Committee recommends that, should there be detainees for the International Tribunal for Rwanda in Europe, consideration should be given to using the facilities at The Hague for temporary detention of accused individuals prior to departure for Arusha so as to minimize costs.

25. In connection with the provision of $1,594,320 in paragraph 85 of the report for rent of facilities in Kigali, the Committee was informed that the full amount might not be required because alternative arrangements are being pursued with regard to accommodation at the "Belgian Village" at less cost.

26. The Committee was informed that the amount of $91,000 requested in paragraph 86 of the report for rental and security of temporary premises in The Hague will no longer be required as the documents processing centre is being transferred from Washington, D.C., to Arusha directly (see also para. 15 above).

27. With regard to witnesses, the Advisory Committee recalls that in the case of the International Tribunal for the former Yugoslavia provision is made for victim/witness insurance (A/C.5/50/41, para. 119). The Committee notes that in case of the International Tribunal for Rwanda there is no comparable provision. In the opinion of the Committee there is no basis for the different treatment of witnesses.

28. The Committee notes from paragraph 88 of the report that the amount of $1,237,892 requested under communications together with those requested under furniture and equipment and vehicles reflects the transfer of some items of equipment from UNAMIR. The Committee also notes that it is anticipated that further equipment would be transferred from UNAMIR to the International Tribunal for Rwanda at the conclusion of the mission. Upon inquiry, the Committee was provided with a list of items to be transferred from UNAMIR to the International Tribunal for Rwanda. With regard to the treatment of transfer of assets between missions, it is the intention of the Committee to return to this issue in the context of its consideration of the relevant report of the Secretary-General.

29. Provision is made in paragraph 94 of the report for the acquisition of vehicles ($2,354,050). Upon inquiry, the Committee was provided with a list of 81 vehicles, which is shown in annex I to the present report. The Advisory Committee trusts that to the extent possible these vehicles will be provided from existing stocks and that specific information will be provided in the next budget submission. The Advisory Committee intends to make a recommendation in this regard in its next report on the financing of UNAMIR.

30. The Committee notes the information on voluntary contributions and trust funds contained in paragraphs 95 to 99 of the report. In the view of the Committee this information is very limited and does not contribute to a comprehensive understanding of the role of voluntary contributions in the implementation of various activities of the International Tribunal for Rwanda. The Committee reiterates its previous recommendation that "the Secretary-General should develop an improved presentation of voluntary contributions and a description and cost estimates of activities financed from voluntary contributions and other sources" (A/49/664, para. 46). In this connection, the Committee was provided with a list of cash and personnel contributions, which is contained in annex II to the present report.

31. An update was provided to the Advisory Committee on information contained in paragraph 97 of the report. The Committee was informed that, as of March 1996, 26 individuals have been provided to the International Tribunal for Rwanda by a number of Governments in the form of loan personnel (Netherlands 19 persons, Norway 3, Switzerland 1, United Kingdom 1 and United States 2). The Committee was also informed that, as in the case of the International Tribunal for the former Yugoslavia, under the International Tribunal for Rwanda loan personnel have not been included in the estimate of the number of posts requested for 1996 (see para. 5 above). In this connection, the Committee trusts that efforts will continue to obtain in broader geographical representation in this category of personnel.

32. The Committee notes from paragraph 100 of the report that costs relating to the protection of victims and witnesses will be covered from voluntary

contributions. The Committee was unable to ascertain the status of expenditures of voluntary funds received by the Tribunal. The Committee recommends that the Secretary-General disclose fully, in the context of the next budget presentation, both the receipt and the application of voluntary funds. The Committee recalls that it had pointed out "that at all times transparency of purpose and use of voluntary funds must be ensured, without compromising the confidentiality of information for the protection of victims and witnesses" (A/49/7/Add.12, para. 27). The Committee reiterates its recommendation that the Secretary-General issue specific guidelines on the requirements for receipt of contributions and application of funds for the Tribunal at the earliest opportunity.

33. Taking into account its comments in paragraphs 10, 12, 15, 19 and 26 above, the Committee recommends that the General Assembly approve $32,552,000 gross ($29,404,100 net) for the maintenance of the International Tribunal for Rwanda for 1996. This is in addition to the amount of $7,609,900 gross ($7,090,600 net) already appropriated for the period from 1 January to 31 March 1996 by the General Assembly in its resolution 50/213.

34. The Advisory Committee recalls that, in paragraph 13 of its resolution 49/251 of 20 July 1995, the General Assembly decided to review the mode of financing of the International Tribunal at its fifty-second session. The Committee believes that, given the need to prepare for the long-term implications of the work of the Tribunal and the requirements that may develop in 1996, the period of the review of the mode of financing should be advanced.

ANNEX I

Supplementary information - vehicle requirements

	Current inventory or ordered a/	Total proposed	Unit cost	Total cost
Sedan, light		6	15 000	90 000
Sedan, medium		6	17 000	102 000
Sedan, heavy		1	20 000	20 000
Sedan, armoured		2	150 000	300 000
Jeep, 4x4	7	51	20 000	880 000
Pick-up, double cabin		6	16 000	96 000
Bus, light		7	15 000	105 000
Truck, cargo, light		2	40 000	80 000
Truck, cargo, medium		3	75 000	225 000
Truck, armoured		1	150 000	150 000
Truck, recovery		1	75 000	75 000
Folk-lift, light		2	30 000	60 000
Subtotal		88		2 183 000
Less: UNAMIR contribution b/				136 000
Total (acquisition of vehicles)				2 047 000
Freight, 15 per cent				307 050
Spare parts, repair and maintenance				200 836
Workshop equipment				20 000
Petrol, oils and lubricants				106 900
Vehicle insurance				17 400
Grand total				2 699 186

a/ Includes contributions-in-kind to the strategy team.

b/ An amount of $136,000 has been reduced in the light of the transfer of vehicles from UNAMIR (one sedan, medium; one pick-up, double cabin; two motorcycles and five 4x4 Jeeps).

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ANNEX II

Voluntary fund to support the activities of the International Tribunal for Rwanda

A. Cash contributions

Date	Contributor	Contribution received (United States dollars)
10 January 1995	Switzerland	75 757.58
11 January 1995	New Zealand	31 860.00
9 March 1995	Ireland	79 225.00
14 March 1995	Egypt	1 000.00
29 March 1995	Chile	1 000.00
4 April 1995	Lebanon	3 000.00
11 April 1995	Greece	20 000.00
19 May 1995	Israel	7 500.00
23 May 1995	Holy See	3 000.00
23 June 1995	Belgium	1 115 949.43
10 July 1995	Norway	49 983.00
13 July 1995	Sweden	68 728.52
29 July 1995	New Zealand	2 932.00
14 August 1995	Spain	78 751.00
29 August 1995	Denmark	43 451.81
19 September 1995	Netherlands	2 995 530.86
24 October 1995	Spain	71 249.00
27 November 1995	Canada	367 450.00
29 December 1995	Ireland	158 478.60
TOTAL		5 174 846.80

B. Personnel (as of March 1996)

Contributor	Function	Number of personnel
Netherlands	Investigators	19
Norway	Investigators	3
Switzerland	External Relations Officer	1
United Kingdom	Investigator	1
United States	Investigator	1
United States	Administrative	1
TOTAL		26

C. Equipment

Contributor	Description	Number
For investigation teams		
Norway	Nissan Patrol	2
Netherlands	Dell laptop computer	20
Netherlands	Automobile adaptor	20
Netherlands	Portable modem	20
Netherlands	Microsoft office software	20
Netherlands	Canon BJ-30 printers	10
Netherlands	Vehicle	10 a/
European Union	Backhoe excavator	1
European Union	4x4 vehicles and radios	7
European Union	Trailers	3
European Union	Track - General purpose (Hiab)	1
European Union	Tranker trailer (Water)	1
European Union	Generator	2
European Union	Sanitation unit	1
European Union	Office equipment	1
European Union	Size surveying equipment	1
European Union	Portable X-ray	1
European Union	Portable PC (+ 4 batteries)	8
European Union	Portable printer and charger	1
European Union	Various field forensic equipment (250 autopsies)	1
European Union	Lab services (Lot)	1
European Union	Camera	3
European Union	Processing (Lot)	1
European Union	Forensic reference books (Lot)	1
European Union	Tentbed sites	1
For library		
European Union	Books (Lot)	1
European Union	Shelves and furniture (Lot)	1
European Union	PCs	4
European Union	Public terminal	1
European Union	Printer	1
European Union	CD ROM	4
European Union	Modem	1
European Union	Telefax	1
European Union	Software	4
European Union	Photocopier	1
European Union	Scanner	1
European Union	Microfiche reader	1
European Union	UPS	5

Contributor	Description	Number
For library (continued)		
European Union	Air-conditioner/humidifier	2
European Union	Fire extinguisher	4
European Union	Video conferencing equipment and technical in-country support for 6 to 9 months	1

a/ To be provided shortly.